

Appl. No. : 09/989,563  
Filed : November 19, 2001

### REMARKS

Applicants are submitting herewith an *Information Disclosure Statement* and Form PTO-1449 to cite U.S. Patent No. 5,361,001 and U.S. Patent No. 6,108,804 ("the '804 patent"), which were cited in an Office Action in Applicants' U.S. Patent Application No. 10/457,306, which is a continuation of the present application on appeal. Applicants are also citing U.S. Patent No. 6,379,039, which is a continuation of the '804 patent.

By the foregoing amendment Applicants are canceling Claims 17-21 to remove Claims 17-21 from consideration in the present appeal. Claims 22-24 were previously canceled. Thus, Claims 1-16 and 25 remain for consideration. Applicants respectfully submit that Claims 1-16 and 25 are patentably distinguished over the cited references for the reasons stated in the *Appeal Brief* and in the *Reply Brief*.

The invention in the '804 patent was owned by the assignee of the present application when Applicants made the inventions claimed in the present application. At that time, Applicants were under an obligation to assign the inventions to the assignee. Thus, in accordance with 35 U.S.C. § 103(c), the '804 patent cannot be cited against the claims of the present application under 35 U.S.C. § 103(a). The '804 patent does not disclose or suggest the inventions defined in Claims 1-16 and 25 of the present application. Therefore, the '804 patent does not anticipate Claims 1-16 and 25 under 35 U.S.C. § 102(e).


If the Examiner or the Board has any questions regarding this amendment, Applicants respectfully request the Examiner or the Board to call the undersigned attorney of record at 949-721-2849 or at the general office telephone number listed below.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: OCTOBER 21, 2004

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